

IN THE SPECIFICATION

Page 7, line 2, after "appropriate" insert --analog audio output--.

Page 7, line 13, before "audio output" insert the word --electrical--.

Page 7, line 30, after "listen to" insert --(i.e., monitor)--.

Page 8, line 31, after "local computer 12" insert --monitoring station--.

Page 8, line 9, replace "telephone" with the word --converted--.

Page 8, line 11, replace "telephone" with the word --encoded--.

IN THE CLAIMS:

In claim 8, line 4, replace "said telephone" with --a telephone--.

In claim 19, line 15, replace "said second interface machine" with --said monitoring station--.

In claim 19, line 23, replace "said signal" with --said audio input signal--.

In claim 20, line 3, delete "first".

REMARKS

Applicant appreciates the Examiner's review of the previous response by Applicant, and requests reconsideration and allowance of all claims, in view of the preceding amendments and the following remarks. Claims 1, 4-10, and 12-23 are pending in the present Application.

Rejection under 35 U.S.C. § 112, first paragraph.

The Examiner has rejected claim 8 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way to show the inventor had possession of the claimed invention, and specifically because the recitation of "analog" is not described as part of the converter. Applicant notes that one of ordinary skill in the art is familiar with the recited Motorola Telephone Line Interface TCA3888 mentioned on page 6, lines 28-32, and full description of which was incorporated by reference. This device, and equivalent converters, inherently produces an

audio output from an analog output amplifier in proportion to the telephone input signal, as would be known to one of ordinary skill in the art. Applicant has amended the specification to include this additional detail from the materials incorporated by reference, and thus no new matter has been added. Therefore, Applicant respectfully requests withdrawal of this rejection.

Similarly, the Examiner has rejected claims 19-23 for recitation of "encoded audio data packets" not sufficiently described in the specification. Applicant submits that one of ordinary skill in the art is familiar with the cited Real Audio streaming audio product from Progressive Networks and equivalents. As described in the specification at page 10, lines 2-9, Applicant notes that there are other "off-the-shelf" audio streaming programs. In each case, as would be known by those of ordinary skill in the art, audio data (produced inside the sound card) includes information derived from digital or other sampling of the audio signal (e.g., ADPCM, CSVD). The sampled information is then further encoded into the information portions of a real-time protocol for transmission across the packet network, according to the particular streaming protocol implemented. The results are inherently "encoded audio data packets", i.e., digital network data packets that contain encoded audio data. Therefore, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Rejection under 35 U.S.C. § 112, second paragraph.

The Examiner has rejected claims 19 and 20 under 35 U.S.C. § 112, second paragraph as being indefinite. In particular, claim 19, line 3 recites "an electrical audio signal" where the specification has previously only said "audio output signal." Applicant appreciates the Examiner's attention to this detail, and has amended the specification to more clearly describe this inherent characteristic of the audio signal output of the described converter.

Applicant has further amended the specification to clarify that "listening" to the communication signals between two other devices constitutes the act of "monitoring", as the term would be known and used by those skilled in the art. Similarly, a work position

and workstation equipment at which an operator can carry out such monitoring would be known in the art as a "monitoring station."

Applicant has amended claim 19 to more clearly define the invention, as requested by the Examiner, by clarifying the description of the audio input signal being converted by the converter. Similarly, Applicant has amended claim 20 to more clearly define the invention and provide antecedent basis for the recited element "said interface machine."

In the preceding amendments to the specification and claims, Applicant has not added any new matter. In view of the amendments and clarifications described above, Applicant respectfully requests that the rejections under this section 112, second paragraph, be reconsidered and withdrawn.

The 103(a) Rejection

The Examiner has rejected Claims 1, 5, 6, 8, 10, 12-15, 17, 19, 20 and 23 under 35 U.S.C. §103(a) as being unpatentable over Focsaneanu (USP 5991292) in view of Huang (PCT WO 97/23078). Applicant respectfully traverses this rejection.

The Examiner asserts that Focsaneanu discloses an apparatus which allows a remote modem and local system to communicate with each other over the WAN; including an electrically interconnected converter splitting a portion of the electrical signal from the telephone to provide an audio output signal, with reference to a CODEC in Fig. 12. Focsaneanu apparently connects a telephone signal through an ordinary CODEC and into a data network interface, to simulate a modem interface. This arrangement has nothing at all to do with the claimed invention converter of Applicant's invention for providing an audio output. This arrangement, as is known in the art, does not teach or suggest any converter element as claimed by Applicant. For this reason alone, the Focsaneanu reference does not provide a proper or sufficient basis for the Examiner's rejection of any of Applicant's claims.

Furthermore, the Examiner suggests that the Focsaneanu reference teaches a converter "splitting a portion of the telephone transmission signals." Contrary to such

assertion, there is nothing whatever in Focsaneanu that teaches or suggests that any portion of any signal is split for any reason. The telephone signal of the cited reference is sent directly from the telephone line to the CODEC for purpose of encoding the signal into a digital signal.

The Examiner then identifies the CODEC in Focsaneanu as being equivalent to the claimed "converter" for receiving a telephone transmission signal and "providing an audio output signal." A typical CODEC can be used for converting between analog and digital ADPCM signals, as described in Focsaneanu col. 11, lines 64-67. As known to those skilled in the art, ADPCM is an encoded digital signal and not an "analog audio output signal," and thus the presence of a CODEC, by itself, does not teach or suggest the claimed converter element. Therefore, for this additional reason the referenced portions of Focsaneanu fail to teach or suggest the recited element of the invention claimed by Applicant.

In summary, Focsaneanu fails to teach or suggest the signal splitting, fails to teach or suggest any audio output signal, and fails to teach or suggest the claimed function of the audio signal converter. For any of these reasons alone or combined, Applicant respectfully submits that the Focsaneanu reference fails to provide any basis for the rejection of Applicant's claims.

In addition, Applicant notes that the Examiner has failed to identify any portion of any reference with respect to the recitation of rejected claim 20 in which Applicant further defines a converter for "providing impedance matching and voltage conversion." For this additional reason, Applicant respectfully submits that this claim is allowable.

The Examiner asserts that it would have been obvious to combine Focsaneanu with Huang. However, since nothing in Huang teaches or suggests any of the claimed elements for converting a telephone signal into an audio signal (which functions the Examiner incorrectly attributed to Focsaneanu), the combination of Huang with Focsaneanu does not support the rejection of any of claims 1, 5, 6, 8, 10, 12-15, 17, 19, 20 or 23 under §103(a). The Examiner has also omitted any mention of a motivation an inventor would have had for making the referenced combination of Huang with

Focsaneanu, even if all of the claimed elements were to be found in the cited references as combined. Reducing the long-distance costs could have been easily accomplished by using Huang or Focsaneanu separately and independently; each using a completely different method from that claimed by Applicant. Therefore, Applicant respectfully submits that the referenced combination would not have been motivated for that reason, since there is no need to combine references which individually resolve the problem mentioned. Therefore, absent any hint of motivation, the combination does not provide the basis for a 103 rejection for this additional reason.

With respect to claims 4, 7, 9, 16, 18, 21 and 22, the Examiner further cites the combination of Huang and Focsaneanu, in view of Krishnaswamy (USP 5867494), as the basis for a rejection under §103(a). As already stated above, the combination of Huang and Focsaneanu does not teach or suggest the invention as claimed in any of the claims upon which these further claims depend. Like Huang, Krishnaswamy does not supply the missing elements for which the Examiner relied upon Focsaneanu, including any method or apparatus for electrically converting a telephone signal into an audio signal. Therefore, for at least the same reasons given above, each of these claims is allowable over the cited references.

The Examiner specifically cites Krishnaswamy as disclosing "a sound card running on a local system and configured to run an audio stream program," with reference to Fig. 10, item 1050. The referenced device (PC2) 1050 appears in Fig. 10A to be connected only to the Internet. Krishnaswamy omits any further description of device 1050 in the specification, however it describes PC2 as the same as PC1, at col. 96, lines 24-27, "Personal computer that has the capability to dial in to an Internet service provider or a corporate intranet for the purpose of making or receiving Internet telephony calls." This does not teach or suggest anything about an audio card, nor a streaming audio program. The reference clearly has nothing to do with connecting a telephone line to anything other than a simple modem. It certainly does not teach or suggest converting any portion of the telephone signals into audio signals for any reason.

Given the deficiencies of the cited Krishnaswamy, which fails to account for the elements missing from the combination of Huang and Focsaneanu, a further combination of Krishnaswamy Huang and Focsaneanu does not disclose or suggest the present invention, contrary to the Examiner's assertions. Because none of the cited references, alone or in combination, disclose or suggest Applicant's invention as recited in any of the claims, and because there is nothing to suggest any motivation to combine these references in the manner suggested by the Examiner, Applicant respectfully submits that all claims are allowable over the cited prior art.

Regarding claim 23, the Office Action is completely silent regarding which (if any) portion of the cited references would teach or suggest the recited "Ethernet connection." For this additional reason, Applicant submits that claim 23 is patentable.

Accordingly, Applicant urges that all claims in the present Application are in condition for allowance. Early and favorable action is respectfully requested.

The Examiner is invited to telephone the undersigned, Applicant's Attorney, to facilitate advancement of the present Application.

Respectfully submitted,



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